

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

HARRY J ROBERTSON,)	
)	Case No. 4:06-CV-00022
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
LINDA S. McMAHON,)	
Acting Commissioner of Social Security,)	By: Jackson L. Kiser
)	Senior United States District Judge
Defendant.)	

¹ Before me is the Report and Recommendation of the United States Magistrate Judge. The Magistrate Judge recommends remanding the case for further proceedings for lack of substantial evidence. The Commissioner filed Objections to the Magistrate's Report and Recommendation. I have reviewed the Magistrate Judge's Report and Recommendation, the Commissioner's Objections, the Plaintiff's Response to those Objections, and the relevant portions of the record. The matter is now ripe for decision.

For the reasons stated in the accompanying Memorandum Opinion, I will **ACCEPT** the Magistrate Judge's Report and Recommendation and **DENY** the Commissioner's Objections. The Commissioner's final decision regarding the Plaintiff's claim for benefits will therefore be **AFFIRMED** in part and **REVERSED** in part, and the case will be **REMANDED** to the Commissioner for further hearings in accordance with the accompanying opinion. This case will be **DISMISSED** from the docket of this Court.

¹Linda S. McMahon has been appointed to serve as Acting Commissioner of Social Security, and is substituted as appellee pursuant to Federal Rules of Appellate Procedure 43.

The Clerk is directed to send a certified copy of this Order and the attached Memorandum Opinion to the Magistrate Judge and all counsel of record.

Entered this 13th day of March, 2007.

s/Jackson L. Kiser
Senior United States District Judge